

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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<b>Applicant</b>	:	Francesca Kuglen	<b>Atty Docket:</b>	K551-003.B
<b>Serial No.</b>	:	10/764,279	<b>Examiner:</b>	Robyn Kieu Doan
<b>Filed</b>	:	January 22, 2004	<b>Art Unit:</b>	3732
<b>For</b>	:	STRETCH COMB HAIR RETAINER	<b>Conf. No.:</b>	9690

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**RULE 132 DECLARATION OF LAURIE ERICKSON  
(37 CFR 1.132)**

This declaration is offered in support of the above-identified patent application by Francesca Kuglen.

I, Laurie Erickson, declare as follows:

1. I have been involved in the hair accessory business for the past 26 years and have owned and operated The Finest Accessories, Inc., located in North Bend, Washington, for the past 12 years. The Finest Accessories markets and sells a variety of hair accessory products under the brand France Luxe, and under the L. Erickson and L. Erickson USA luxury brands. Products we sell under these brands include barrettes, hair combs and sticks, headbands, ponytail holders and bobby pins.

2. All of our brands are sold through retail department stores, spas and boutiques, as well as directly to the consumer through Amazon.com and our website at [www.franceluxe.com](http://www.franceluxe.com). Attached hereto as **Exhibit A** is a printout of a page from our website featuring some of our current hair comb and hair stick products. We have combs of many different sizes, shapes and materials, including hand-made cellulose acetate combs, injected plastic combs and wire loop combs.

3. I am closely involved in all aspects of my company's business including marketing and product design. In regards to product design, I create new hair accessory designs myself and work with other employees within the company to come up with new designs. I also on occasion work with outside designers. Mostly, our hair accessory designs are developed internally, sometimes with input from retail buyers, who often come up with fashion and trend ideas based on their experiences in the marketplace.

4. I would describe the hair accessory business as a crafts business and the hair accessory design process as an organic one. The ordinary designer of hair accessory products is not technically inclined or inclined to make significant changes in product function. Designers in our field generally focus on the aesthetic and create new decorative elements that are added onto an existing base, such as a barrette, headband or comb.

5. In the course of my design and marketing activities at Finest Accessories, I have worked with many types of combs, including injected plastic combs, cellulose combs and Japanese style wire loop combs. Different combs have different characteristics, including the width, thickness, length of the teeth, the number of teeth, tooth construction (e.g. with or without openings), and the material used. The physical characteristics of the comb are important because they affect how the comb will function in the hair. For a particular application, I would not consider simply substituting one type of comb for another type of comb. Combs having significantly different physical characteristics behave much differently in the hair.

6. I have known about wire loop combs for about 20 years, and my company currently carries decorative wire loop combs as shown on **Exhibit A** attached to this declaration. (See page 3, product codes LI2023 and LI2026.) Wire loop combs are peculiar combs having characteristics somewhat like a row of bobby pins. They have traditionally been used singly in the hair with decorative elements on the spine to provide a hair adornment, such as may be worn by a bride. Used singly, they can hold back stray “fly-away hair” such as in an updo hairstyle. By themselves, wire loop combs are not strong and lack stability. Thus, they are not a good solution for holding hair in place.

7. I am familiar with the double comb hair accessory product created by Ms. Kuglen, which is called Hairzing and a version of which is disclosed in Ms. Kuglen’s patent application Serial No. 10/764,279, which I have reviewed. As a hair accessory designer and one who has worked many years with hair combs, including wire loop combs, I consider her use of wire loop combs as a holding element in a double comb hair accessory application to be very innovative. By this unique use of wire loop combs, Ms. Kuglen has created a unique functionality in a hair accessory product. Because of their physical characteristics and tendency to fall out of the hair, I would not have thought to use wire loop combs for this purpose or predicted that they would have worked in this application. Before I became aware of the use of wire loop combs in this application, I would have thought that the elastic strands pulling on the combs would pull the combs out of the hair.

**[DECLARATION PAGE FOLLOWS]**

The undersigned declares that all statements of her own knowledge made herein, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application, or any patent issuing thereon.

Date: 12.04.09

  
Laurie Erickson

Application No. 10/764,279

Declaration of Laurie Erickson

37 CFR 1.132

# EXHIBIT A

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 L. Erickson ★ U.S.A. | 100% Silk Solids | 100% Silk Prints | velvet, Wool, Luxury Blends | *Weddings* | \$15 & Under | Sale

Browse

Barrettes - All  
 Hair Combs & Hair Sticks - All  
 France Luxe Combs & Sticks  
 L. Erickson Combs & Sticks  
 French Twist Combs  
 Hair Slides  
 Hair Sticks  
 Headbands - All  
 Jaws & Cascades - All  
 Ponytail Holders - All  
 Crystal Hair Accessories - All  
 Fashion Accessories - All  
 Styling Tools  
 Gift Certificates  
 Gift Wrapping

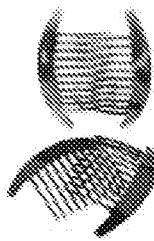
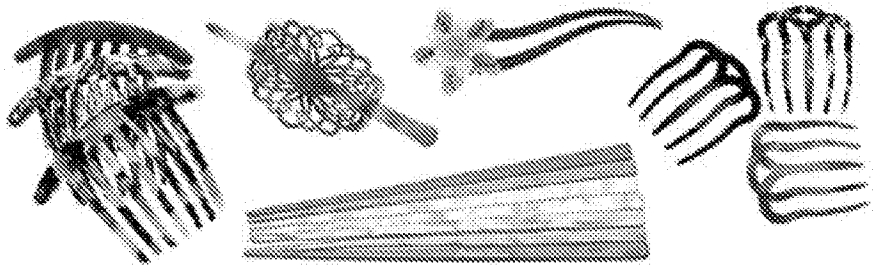
Sale  
 Site Map - Over 2,000 Products  
 Purchase Products to Support TNBC  
 New This Week!  
 Wedding Day Silk Solids  
 Bobby Pins  
 Buds & Blossoms  
 Africa  
 100% Silk Prints  
 Velvet, Wool, Blends, 100% Cotton  
 100% Silk Solids  
 Headwraps - All  
 Petite & Mini Barrettes  
 Pins & Sticks  
 Classic Tortoise Barrettes  
 Nacro Brights  
 Classic Tortoise Headbands  
 Animals & Insects  
 Wild Cat Collection  
 Mini Jaws  
 Hearts & Flowers  
 Bows  
 France Luxe Classics  
 Garland Collection  
 Sorbet Collection

Basket Contents

Quantity in Basket: none

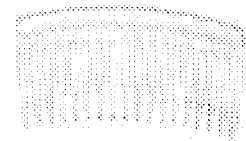
Home &gt; Hair Combs &amp; Hair Sticks - All

## Combs &amp; Sticks - All

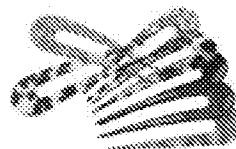
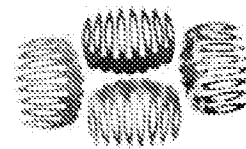

 France Luxe Interlocking  
 Comb Pairs - Classic

 Code: 9835  
 Retail Price: \$14.00

 France Luxe Lattice Slide -  
 Classic

 Code: 9732  
 Retail Price: \$34.00

 France Luxe 18 Tooth  
 French Side Comb - Classic

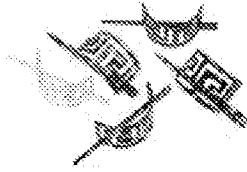
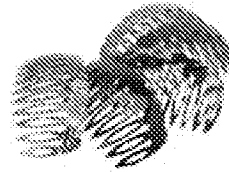
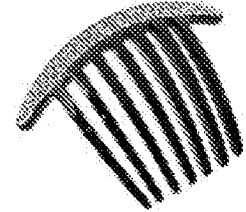
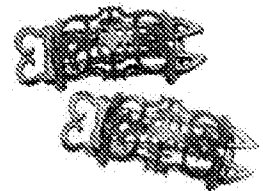
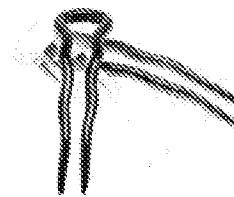
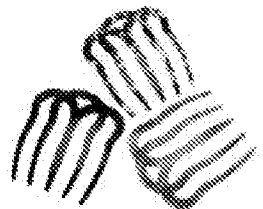
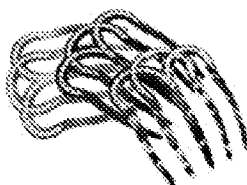
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 France Luxe 15 Tooth  
 French Side Comb -

 France Luxe Classic Hair  
 Pin - Classic

 France Luxe 8 Tooth  
 Vintage French Comb -

Classic

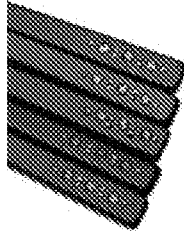
Code: **9831**  
Retail Price: **\$6.00**Code: **9827**  
Retail Price: **\$14.00**

Classic

Code: **9829**  
Retail Price: **\$22.00**France Luxe Greek Key  
Slide - ClassicCode: **9828**  
Retail Price: **\$36.00**France Luxe 10 Tooth  
Vintage French Comb -  
ClassicCode: **9830**  
Retail Price: **\$25.00**France Luxe Crystal Mini  
French Twist Comb - BlackCode: **9810**  
Retail Price: **\$142.00**France Luxe Mini French  
Twist CombCode: **9792**  
Retail Price: **\$24.00**L. Erickson Wonderland  
Chignon Pic - Lime/BlueCode: **LI2351**  
Retail Price: **\$44.00**France Luxe Filigree Double  
SlideCode: **9809**  
Retail Price: **\$11.00**France Luxe 90x42mm  
Hair PinCode: **9808**  
Retail Price: **\$4.50**France Luxe 75x20mm Hair  
PinCode: **9807**  
Retail Price: **\$3.00**L. Erickson Five Tooth  
CombCode: **LI2326**  
Retail Price: **\$32.00**

L. Erickson Crystal Five  
Tooth Comb

Code: **LI2396**  
Retail Price: **\$52.00**



France Luxe Vine Chignon  
Pic

Code: **9797**  
Retail Price: **\$48.00**



L. Erickson USA Polo Braid  
French Twist Comb

Code: **L1044**  
Retail Price: **\$23.00**



France Luxe Hair Stick  
with Crystal Tips

Code: **9327A**  
Retail Price: **\$18.00**



L. Erickson Leaf Comb with  
Silver Beads

Code: **LI9480**  
Retail Price: **\$48.00**



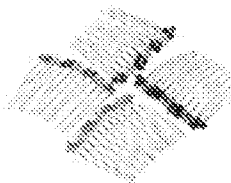
L. Erickson Elegant Hair Pic  
with Silver Beads -  
Black/Silver - As Seen in  
Shape Magazine  
FASHION PRESS

Code: **LI9477**  
Retail Price: **\$34.00**



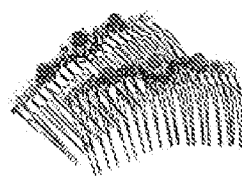
L. Erickson Two-Tone  
Vine Slide Barrette

Code: **LI2180**  
Retail Price: **\$18.00**



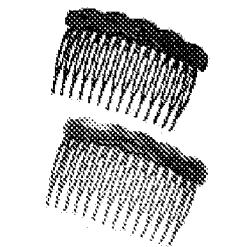
L. Erickson Beaded French  
Twist Comb

Code: **LI2128**  
Retail Price: **\$18.00**



L. Erickson Chantilly  
Chignon Pic - Brown/Coral

Code: **LI2095**  
Retail Price: **\$24.00**



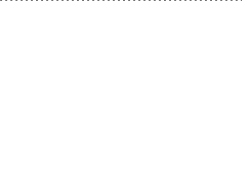
L. Erickson Freshwater  
Pearl & Crystal Comb

Code: **LI2023**  
Retail Price: **\$28.00**



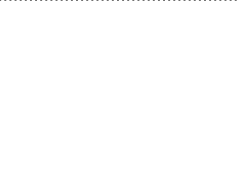
L. Erickson Bohemian  
Luxury Comb

Code: **LI2026**  
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France Luxe Braided Side  
Comb - Classic

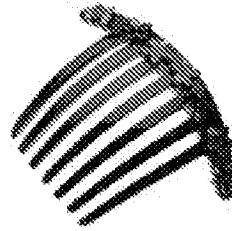
Code: **9673**  
Retail Price: **\$20.00**





France Luxe Princess  
French Twist Comb -  
Nacre Brights

Code: **9589**  
Retail Price: **\$100.00**



France Luxe Daisy Chain  
French Twist Comb -  
Classic

Code: **9706**  
Retail Price: **\$48.00**



France Luxe Chicago Slide -  
Classic

Code: **9622**  
Retail Price: **\$28.00**



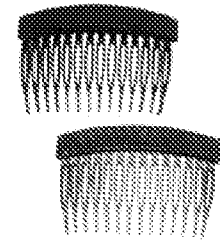
France Luxe Classic Slide  
Barrette - Classic

Code: **9620**  
Retail Price: **\$29.00**



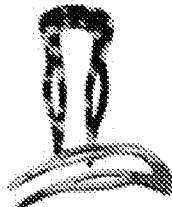
France Luxe Petite Bobby  
Pin 4-Pack - Classic - As  
Seen in InStyle Makeover  
Magazine

Code: **9579**  
Retail Price: **\$6.00**



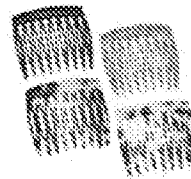
France Luxe Large Basic  
Comb - Classic

Code: **9596**  
Retail Price: **\$14.00**



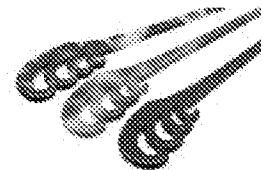
France Luxe New Chignon  
Pic - Classic

Code: **9566**  
Retail Price: **\$18.00**



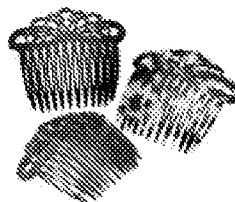
France Luxe Nine Teeth  
Comb - Classic

Code: **9440**  
Retail Price: **\$14.00**



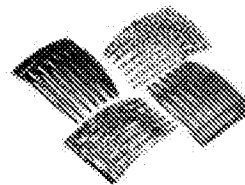
France Luxe Suzon Hair  
Stick - Classic

Code: **9450**  
Retail Price: **\$18.00**



France Luxe Santa Fe  
Comb - Classic

Code: **9460**



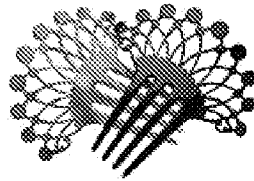
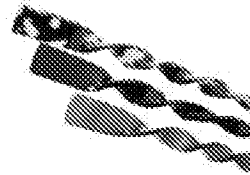
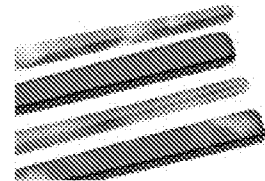
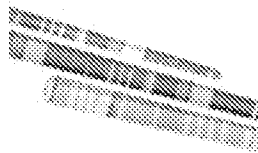
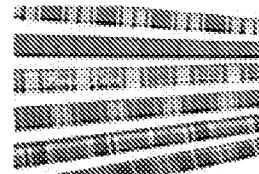
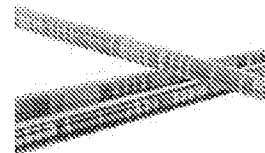
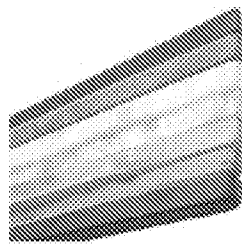
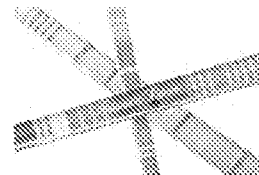
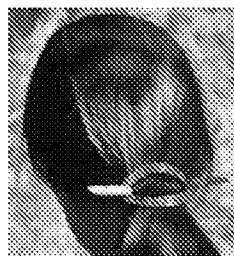
France Luxe Mini Push Up  
Comb - Classic

Code: **9461**

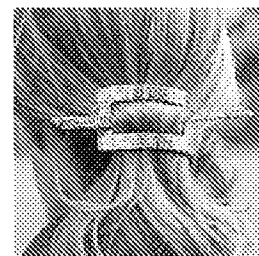


France Luxe Elysee Hair  
Stick - Classic - As Seen in  
Real Simple Magazine  
FASHION PRESS



Retail Price: **\$24.00**Retail Price: **\$14.00**Code: **9423**  
Retail Price: **\$26.00**France Luxe Marie French  
Twist Comb - ClassicCode: **9384**  
Retail Price: **\$38.00**France Luxe Twisted Hair  
Stick - ClassicCode: **2228**  
Retail Price: **\$12.00**France Luxe Hair Stick  
Single - Classic - As Seen in  
OKI Magazine  
FASHION PRESSCode: **2100H**  
Retail Price: **\$11.00**France Luxe Hair Stick  
Single - Fall PlaidCode: **2100F**  
Retail Price: **\$11.00**France Luxe Hair Stick  
Single - Scott & ScottishCode: **2100D**  
Retail Price: **\$11.00**France Luxe Hair Stick  
Single - Faro PlaidCode: **2100C**  
Retail Price: **\$11.00**France Luxe Hair Stick  
Single - Nacro BrightsCode: **2100B**  
Retail Price: **\$11.00**France Luxe Hair Stick  
Single - Hypno StripeCode: **2100A**  
Retail Price: **\$11.00**France Luxe Four Circles  
Slide - Classic - As Seen in  
InStyle Magazine  
FASHION PRESSCode: **9306**  
Retail Price: **\$17.00**

France Luxe Oval Slide -



France Luxe Rectangle




France Luxe Rectangle

Classic

Slide - Classic

Slide - Amber

Code: **9303**Retail Price: **\$17.00**Code: **9302**Retail Price: **\$14.00**Code: **9279**Retail Price: **\$28.00**Next 

Products Found: 66

Pages: [1] 2

**SubCategories:**

- \* France Luxe Combs & Sticks(51) \* L. Erickson Combs & Sticks(11)
- \* French Twist Combs(8) \* Hair Slides(7)
- \* Hair Sticks(10)

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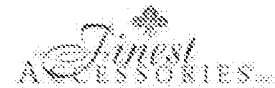


The Finest Accessories, Inc. | 349 East Third Street | P.O. Box 1968 | North Bend, WA, USA 98045  
Toll Free: 888-884-3653 | Fax: 425-631-7027 | [www.franceluxe.com](http://www.franceluxe.com)

  
**FRANCE**  
*Luxe*

*L. Erickson* ★ **U.S.A.**

*L. Erickson*

  
*The Finest*  
**ACCESSORIES**

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France Luxe® is division of The Finest Accessories, Inc. and part of their family of luxury brands including L. Erickson, L. Erickson USA, selling luxury barrettes, ponytail holders, headbands - the most beautiful hair ornaments in the world.